

Notice of Allowability

Application No.

09/842,297

Examiner

Nathan S Mammen

Applicant(s)

SOBRADO ET AL.

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the request for continued examination and the amendment filed 8/23/04.
2. ☒ The allowed claim(s) is/are 1-15, 17-21, 23-32, 34-38, 40-49 and 51-55.
3. ☒ The drawings filed on 25 April 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

The instant independent claims now set forth a system/method that receives procurement parameters from a buyer for items that the buyer wishes to buy and that generates at least three recommended procurement options for obtaining those items consistent with the procurement parameters. The three recommended procurement options generated by the system/method include, at a minimum, a recommended direct purchase option (e.g., catalog sale), a recommended auction, and a recommended reverse auction. The system/method then recommends the best course of action from among these three options and then acts to initiate the procurement action after the buyer selects an option. This system/method is patentably distinct over the prior art of record for the following reasons:

It was known in the art at the time the invention was made to provide shopping robots, or "shopping bots," to help a buyer search for products meeting the buyers procurement parameters. The "Shopping bots: intelligent shopper or virtual department store?" ("Shopping bots") article, published in the *International Journal of Retail & Distribution Management*, discloses several features of shopping bots and several available shopping bots at the time of the instant invention. Specifically, the "Shopping bots" article discloses that shop bots can conduct parametric searching to find products having certain specifications. See Shopping bots, page 302. But the known shopping bots are not disclosed as being capable to recommend the three distinct procurement options (i.e., direct sale, auction, reverse auction) instantly claimed and to further recommend the best course of action among those three procurement options.

The Rackson '270 patent, cited in the previous Office action, discloses a multiple auction coordination method and system. The system/method allows a buyer to define the parameters of an item to be purchased. Col. 24, lines 5-30. The system/method then either will automatically place bids consistent with the buyer-defined parameters or will allow the buyer to manually place bids. Col. 25, lines 39-55. The system/method may even suggest the likelihood of a buyers success and recommend a course of action with respect to the auction. Col. 25, lines 30-34; col. 26, lines 18-20. What the Rackson '270 patent does not disclose is that the system/method also suggests the other two instantly claimed procurement options (i.e., direct sale and reverse auction) or that the system/method suggests a recommended option from among the three options.

The International Publication WO 00/34886, cited previously, discloses the general features of a reverse auction. The reverse auction disclosed identifies the likelihood of success for buyers based on the buyer-specified parameters. See page 6, lines 31-35. But the WO 00/34886 publication does not disclose a system/method for recommending three different procurement options or for even recommending different reverse auctions for obtaining items.

Newly-cited U.S. Patent No. 6,751,597 to Brodsky et al. discloses a trade specifications and matchmaking optimization system for an electronic marketplace encompassing direct sales, auctions, and reverse auctions. Col. 6, lines 25-28. The system of Brodsky '597 patent receives parameters from both buyers and sellers and recommends specific transactions to optimize the objectives of both the buyer and seller. Col. 5, lines 23-60, and col. 11, lines 34-41. While the Brodsky system is disclosed as being functional across the three instantly claimed procurement options (i.e., direct sale, auction, reverse auction), the Brodsky system does not disclose

Art Unit: 3671

recommending one of each procurement option to a buyer and then recommending the optimal option from the set of recommended procurement options.

For the foregoing reasons, the instant claims are patentably distinct and non-obvious over the prior art of record.

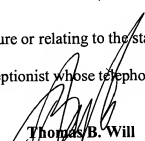
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Mammen whose telephone number is (703) 306-5959. The examiner can normally be reached Monday through Thursday from 6:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at (703) 308-3870. The fax number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-1113.


Thomas B. Will
Supervisory Patent Examiner
Group 3600

NSM
11/24/04

Nathan S. Mammen